

**OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
Northern District of California**

CIVIL MINUTES

Date: January 17, 2019

Time: 3:06 – 3:23 =
17 Minutes

Judge: EDWARD M. CHEN

Case No.: [18-cv-05542-EMC](#)

Case Name: HVMN Inc. v. Human Power of N Company

Attorney for Plaintiff: Timothy Pecsénye

Attorney for Defendant: J. Scott Gerien

Deputy Clerk: Angella Meuleman

Court Reporter: Marla Knox

PROCEEDINGS

[20] Motion to Dismiss - held.

SUMMARY

Parties stated appearances and proffered argument.

The Court finds that the first-to-file rule applies, and no exception applies. Plaintiff's request for declaratory relief was not filed anticipatorily, as suit from Defendant was not imminent. Defendant waited to file suit until it had standing to seek declaratory relief. The forum shopping exception does not apply. This is where Defendant is located. There is no evidence that Defendant acted in bad faith in filing this suit.

Similarly, the Court finds that of the factors under 28 U.S.C. § 1404(a), none weigh heavily in favor of transfer to the Eastern District of Texas. The case will remain in the Northern District of California. Motion denied.